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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,534	01/12/2004	Armin Bolz	298-225	1318

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EXAMINER	
KAHELIN, MICHAEL WILLIAM	
ART UNIT	PAPER NUMBER
3762	
MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/755,534	BOLZ, ARMIN	
	Examiner	Art Unit	
	MICHAEL KAHELIN	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5, 7, 8, 10-19, 20-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (US 6,599,250, hereinafter "Webb").

4. In regards to claims 1, 10, 11 and 17, Webb discloses a device/method comprising a sensor (112 and 120), a stationary server (42) to which cardiac signals are sent (Fig. 1B) and which stores various patient data (col. 6, ln. 66 - col. 7, ln. 14), a signal evaluation unit for analyzing whether the sensor signal exceeds a parameter (col. 6, ll. 20-37), and a signal transmitter for generating and alarm/flag signal (col. 6, ll. 20-

37). Webb does not specifically disclose that the patient data comprises data on prior diseases and allergies to medications. It is well known in the medical arts that patient charts, such as those disclosed by Webb, include such information as prior diseases and allergies to medications to provide the predictable results of allowing physicians to provide diagnosis and therapy based on patient history. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb's invention by including such information as prior diseases and allergies to medications to provide the predictable results of allowing physicians to provide diagnosis and therapy based on patient history.

5. In regards to claim 3, a hemodynamic signal is acquired (120).

6. In regards to claims 5 and 23, sensing and evaluating are spatially separated (Fig. 1B).

7. In regards to claims 7 and 24, the data acquired by the sensor is sent in a wireless fashion to the signal evaluation unit (Fig. 1B).

8. In regards to claim 8, the alarm is an optical alarm (col. 6, ll. 20-37).

9. In regards to claims 12 and 13, the flag is transmitted to the physician via internet and displayed (col. 6, ll. 20-37).

10. In regards to claims 14 and 15, the value of the parameter along with the flag value are stored and transmitted (Fig. 6, the "abnormal values" have been stored on the server and retrieved by the browser).

11. In regards to claims 16 and 27, patient motion (activity) is determined and used to see if a limiting value is exceeded (Fig. 8).

12. In regards to claims 19 and 26, the signal transmitter (display) is activated by a signal generator (the undisclosed but inherent display driver).

13. In regards to claim 25, memory is provided (42).

14. In regards to claim 30, the long-range transmission is by telephone (col. 5, ln. 59; modem).

15. In regards to claim 32, the signal transmitter is coupled to the generator (Fig. 1B).

16. In regards to claims 2, 18, 20-22, and 28, Webb incorporates by reference Meador et al. (US 6,024,704, hereinafter "Meador"), which discloses a defibrillator device, which detects and treats fibrillation (col. 11, ll. 20-65). As Webb's device transmits the sensed parameters from the implant to the external system, this is a disclosure that the fibrillation parameters are also sent. Alternatively, it is well known in the art to send all relevant sensed parameters, including fibrillation parameters, to external devices to provide the predictable results of allowing a physician to initiate or adjust therapy. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb's invention by sending all relevant sensed parameters, including fibrillation parameters, to the external device to provide the predictable results of allowing a physician to initiate or adjust therapy.

17. Claims 4, 6, 9, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb. Webb discloses the essential features of the claimed invention except for arranging a sensor in the region of a pad, wristband, neckband, thoracic band, abdominal band, hip band, or respiratory mask; sensing and evaluating

adjacently and transmitting the results; an alarm signal comprising direct activation of a defibrillator; or an alarm signal comprising current location of a patient. It is well known in the art to provide sensors in the region of a pad, wristband, neckband, thoracic band, abdominal band, hip band, or respiratory mask to provide the predictable results of effectively sensing physiological signals in a non-invasive way; sensing and evaluating adjacently and transmitting the results to provide the predictable results of lower communication overhead; an alarm signal comprising direct activation of a defibrillator to provide the predictable results of quickly treating a fibrillating patient; and alarm signals comprising current location of a patient to provide the predictable results of allowing emergency personnel to reach the patient. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Webb's invention by providing sensors in the region of a pad, wristband, neckband, thoracic band, abdominal band, hip band, or respiratory mask to provide the predictable results of effectively sensing physiological signals in a non-invasive way; sensing and evaluating adjacently and transmitting the results to provide the predictable results of lower communication overhead; an alarm signal comprising direct activation of a defibrillator to provide the predictable results of quickly treating a fibrillating patient; and alarm signals comprising current location of a patient to provide the predictable results of allowing emergency personnel to reach the patient.

Response to Arguments

18. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bornn et al. (US 5,348,008) is one of many teachings of storing such patient data as drug allergies and trended data, sending defibrillation parameters/alarms to outside devices, providing sensors on a thoracic band; and Lowell et al. (US 6,292,687) is one of many teachings of direct activation of a defibrillator and an alarm signal comprising the current location of a patient.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL KAHELIN whose telephone number is (571)272-8688. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/
Primary Examiner, Art Unit 3762

/Michael Kahelin/
Examiner, Art Unit 3762